

CONSERVATION COMMISSION
DRAFT MINUTES OF THE MEETING
WEDNESDAY, JUNE 6, 2007 – 7:00 PM
CATA CONFERENCE ROOM
3 POND ROAD
MAX SCHENK, CHAIRMAN

MEMBERS PRESENT

Ann Jo Jackson
Charlie Anderson
Arthur Socolow
William Febiger
Robert Gulla
John Feener

MEMBERS ABSENT

Max Schenk

STAFF PRESENT

Nancy Ryder, Conservation Agent
Carol Gray, Recording Clerk

Ms. Ann Jo Jackson will preside as Chairperson this evening in the absence of Mr. Max Schenk.

Ms. Jackson calls the meeting into order and reads the agenda for the evening.

CLOSURE OF HEARINGS, REVIEW OF FINAL INFORMATION AND AMENDMENTS AND SIGNING OF PERMITS/DECISIONS

132 COLES ISLAND ROAD (Map 259, Lot 6)

The Agent states that this up for review and completion of information.

No information from DEP and/or DMF, NHESP and Shellfish. A site visit was noted.

A modified plan arrived on Monday with not enough time for review.

Nothing new to review at this point.

Ms. Sue St. Pierre, Vine Assoc. rep. the applicant noted a first meeting in February with the Chapter 91 plan not working. NoI was discussed at an April meeting demonstrating the least damaging methods for the project. She states that all analysis was presented at that time and she didn't know that they needed to collect comments from DMF and would like a yes or no answer this evening.

Ms. Jackson notes that without that information, in that case, the answer would be a no. She stated that Ms. St. Pierre would not have to chase the information down but to wait until the information is collected.

Mr. Patriquin, applicant states that they have done enough and was unaware of anything further that needed to be done.

Ms. Jackson states that the DEP review is needed.

Mr. Patrican stated that they have had it for 2 months. He further states that he has license to do this.

Ms. Ryder notes a statement from the 31st and recommends this issue be continued to a full session.

Ms. St. Pierre notes that the portion of pier construction is not in the river front and she is surprised that alternatives were ever even needed.

The Agent notes all were told it was to close with a 2 minute comment.

Mr. Anderson noted the applicant trying to comply and everything seems to be hung up with pending information.

Ms. Ryder notes that the interested parties were told that all the information was needed back for review.

Mr. Gulla noted that the DEP information is needed and it is out of our hands until we can review their comments.

Mr. Anderson notes that DMF's budget was lessened considerably and things may get worse.

Ms. Jackson looks for a motion to a full session at the next meeting.

MOTION: Mr. Anderson moves to continue the matter to a full session on 06/20/07

SECOND: Mr. Feener

VOTE: 6-0 all in favor

KONDELIN ROAD

Ms. Ryder notes that this is closed except for the final review of the decision.

The Agent reads the Statement of Reason:

The Commission approved the request to install a beaver control flow device within an existing culvert under Kondelin Road as amended and conditioned, as the beaver dam is constructed over an existing culvert, located under a public road, in a heavily developed industrial park. The flooding downstream of the road and culvert during occasional breaches due to as yet unknown vandalism, resulted in flooding of private property and presented a risk to both public health and safety.

The applicant proposes to lower the water level just enough to ensure that the culvert continues to function in order to prevent potential risk to public health and safety downstream of the beaver dam. The project as proposed alleviates the immediate and continuous threat, while protecting resource areas to the greatest extent possible.

The conditions noted are as follows:

1. The existing wetland level is to be maintained no lower than six inches below the top of the existing culvert to minimize impact to naturalized BVW and Land Under a Water Body.
2. A revised plan and construction sequence and narrative is to be submitted prior to the start of work reflecting condition 1.
3. A coffer dam and silt curtain are required to be used both upstream and downstream of the work location.
4. All work is to be supervised by a third party wetlands professional to be approved by the Commission. The current representative, Dre Desilets of ENSR, does not need to be re-approved.
5. All equipment is to be operated from the roadway, no work is allowed in the resource area.
6. All stone and downstream silt from previous breaches must be removed. Woody vegetation may be trimmed with third party oversight, to the minimum extent necessary to reach the sediment deposits, but no root systems are to be disturbed. The Commission recommends that this project be conducted in the late fall.
7. A Conservation Restriction as mitigation for damages done is accepted by the Commission, should be arranged with ECGB or Trustees of Reservations.

MOTION: Mr. Febiger moves to approve with conditions

SECOND: Mr. Febiger

VOTE: 6-0 all in favor

ANNISQUAM RIVER DREDGING

The Agent notes that the MEPA review is to be finalized.

The Statement of Reason was read by the Agent:

The Commission approved the project as conditioned, as a maintenance dredging project, to restore depth to the Federal Navigation Channel at the northern entrance to the Annisquam River. The site is a public use channel. The location of dredge and placement of fill, was based on lengthy review with federal, state and local environmental agencies to minimize adverse impacts to resource areas including shellfish resources.

- c. The special conditions relating to municipal ordinance are as follows:
All conditions listed in the OoC No.'s 1-33 General Conditions Under Massachusetts Wetlands apply to the Gloucester Wetlands Ordinance as well.

GWO conditions:

1. The method of dredge and deposition must be by hopper dredge or mechanical means only, no hydraulic dredging is permitted.
2. Pile dumping is not permitted; dredged material must be spread out.
3. Pre and Post project dredge reports are to be submitted to the commission for the file, for both the dredge and deposition sites.

The Agent notes that this is closed but the Commission can entertain comments. She notes an email from Mr. Carlos Pera asking for a scoop/bucket dredging along with the hopper.

Mr. Mike Driscoll states that using just the hopper reduces it for bidding. By using mechanical methods a scow would be used to spread it. A post dredging survey would be done. He notes the change being hopper and mechanical dredging, a crane with a bucket and an excavator.

Ms. Jackson notes that the Commission still wants this spread out.

Mr. Gulla notes that being within the zone a hopper is more precise.

Mr. Driscoll notes that it is not messy with an excavator or crane as it is computerized and as clean as the hopper dredging method.

He further notes that one reason for the project is in regards to access for Coast Guard boats as they can't get out.

He suggests a special condition for additional mechanical dredging.

Ms. Jackson stated that it will be considered.

Mr. Anderson inquired as to anything other than hydraulic as it will suck it all up.

Mr. Febiger was in agreement with Mr. Anderson.

Hopper and Mechanical were noted, no hydraulic.

Ms. Jackson reminds the applicant that the dredged material is to be dispersed as pile dumping is not permitted.

Mr. Gulla inquired as to how the GCC would know how the materials were handled and

Ms. Ryder notes that a post project dredging report will have to be filed.

MOTION: Mr. Gulla moves to approve the project with the 3 modified conditions.

SECOND: Mr. Anderson VOTE: 6-0 all in favor.

80 HIGH STREET

The Agent notes that this is closed except for the final review of the decision.
Ms. Ryder reads the Statement of Reason as follows:

The Commission approved as amended and conditioned for construction of a single family home as the work is within buffer only and isolates work toward the street side of the property, leaving as much undisturbed buffer as possible while still obtaining use of the property.

The Commission previously approved the single family home with conditions as follows:

The special conditions relating to municipal ordinance are as follows:

All conditions listed in the OoC No.'s 1-33 General Conditions Under Massachusetts Wetlands applies to the Gloucester Wetlands Ordinance as well

1. The erosion control line is to be a minimum of 20 feet from wetland B1-B4.
2. All engineering comments noted in the May 7, 2007 letter from M. Hale become conditions of this permit and must be adhered to or a request for a minor amendment made to the Commission. Conditions not already noted in other parts of this order included a 10 foot horizontal separation between the water and sewer services. Or a vertical separation of 18 inches with sewer below water. The tree warden must be contacted for a permit to remove any public shade trees. And a site review schedule must be coordinated with the engineering department.
3. All trees removed must be pre-approved by the agent, removal must be minimized and a 2:1 replacement in kind must be made. A 5 year mortality replacement requirement for any tree loss post construction is in effect.
4. Erosion control near the B series wetland is to be moved from the wetland to maintain a minimum 20 foot undisturbed buffer.
5. Erosion control is the absolute limit of work. ANY work outside of the construction limits must be submitted to the commission for additional review and permitting. (ie. Landscaping.)
6. The project as presented and approved represents the complete limit of structures allowed on this property due to the likely impacts to habitat and water quality. No additional structures will be permitted.
7. A time of year restriction for breeding and migrating species associated with the known but not certified vernal pools near the site is imposed with no work allowed before June 15th and no work after December 1 of any calendar year.

The Agent notes that the Commission has to decide on a figure for the mortality rate.
Five years was noted and the CoC will not be issued until complied with.

MOTION: Mr. Anderson moves to approve with the 5 year condition.

SECOND: Mr. Febiger VOTE: 6-0

54-56 WOODWARD STREET

The Agent notes that this is closed except for final review of the decision.
Ms. Ryder reads the Statement of Reason as follows:

Approved subject to: The Commission approved the project for construction of a single family home as amended and conditioned for the following reasons.

The project is buffer zone only to coastal bank, salt marsh and BVW. The project footprint is not with in the flood plain based on the elevations surveyed in and noted on

the site plan. The applicant identified MHW, Wetland, Salt Marsh, and Coastal Bank. RRA is clear based on the scale shown on the plan. Said delineation is accepted by the Commission for this property. There is no direct impact to any of the above listed resource areas on site. The possibility of secondary coastal bank was explored by the Commission, photos of the April 16 and 17 Nor'easter high water marks were taken, no evidence of storm surges were found on the property. Photographs submitted by abutters were reviewed by the Commission and in the Commission's determination; act as confirmation of coastal bank delineation.

The property is within the 200 foot RRA but pre-dates the riverfront resource regulations, as such, a single family home that meets the RRA regulations to the greatest extent possible and involves less than 5,000 sq ft of impact, is permissible. While the project, at its closest point, is 90 feet from MHW, the project has been located as far from resource areas as is possible. Mitigation enhancement plantings are proposed to create as close to a 100 foot undisturbed vegetated buffer as is possible, and construction impacts have been minimized. A majority of the first 100 feet of RRA is salt marsh. The Commission finds that 10.58(4) (d) No Significant Adverse Impact has been met to the greatest extent possible considering site constraints and zoning.

The applicant presented an alternatives analysis and then worked to avoid, minimize and mitigate the project as required in the RRA as follows; There will be no excavation or foundation for the project other than for sonatubes to support the structure and for the parking area near the street line. The structure has been minimized to be supported on sonatubes only, no foundation, and to work within the existing trees and vegetation on site. No trees or other vegetation are proposed to be removed. Despite no excavation or removal of trees on site, and no removal of vegetation other than scrub vegetation in the area of the structure, the applicant is proposing 2,200 sq. ft of mitigation planting enhancement on site with native, non-invasive riparian species.

The abutters presented issues of area flooding, indicating that storm flow already runs between the property and its direct abutters. No aspect of this project is designed in such a way as to alter the existing storm flows that occur on site and on abutting properties. The abutters also noted that the project would disturb habitat, however, the project as proposed is consistent with the regulations and performance standards outlined in both the Wetlands Protection Act (WPA) and Local Wetlands Ordinance (GWO). The project is also consistent with, and less impacting than, the single family home uses on all the surrounding properties.

While shellfish had concerns regarding the impact of increased freshwater flows on the salt marsh, the applicant worked with the city engineering department and has designed storm water controls to intercept and control storm water flows on site and meets or exceeds the storm water requirements under both WPA and GWO.

A 5 year monitoring of the salt marsh is required by the landowner, in cooperation with the shellfish department. A pre-project photo survey is required. A time of year

restriction for construction is required due to the alewife fish run in the Little River. No work is permitted between March 1 and May 30 of any calendar year.

The Commission also had concerns regarding slow loss of trees adjacent to the home despite the applicants attempt to avoid impact to all trees. As such a 2:1 tree mortality replacement is required for 5 years following construction as is supervision by a certified arborist during installation of sonatubes and construction of the home. Shifting of sonatubes and supports is at the discretion of the arborist to protect the trees on site.

The project as amended and conditions is considered complete, no further structures or additions will be permitted for this project.

The commission notes that zoning issues are not under the jurisdiction of the Commission.

The following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.

Mr. Feener asks if a yearly check up with an arborist is possible and Ms. Ryder notes that it can be done and has to be submitted as part of a condition.

Mr. Anderson addresses an email that was sent regarding concerns (Condition 12).

Ms. Ryder reads the conditions as follows:

(The special conditions relating to municipal ordinance are as follows:

All conditions listed in the OoC No.'s 1-33 General Conditions Under Massachusetts Wetlands applies to the Gloucester Wetlands Ordinance as well)

1. A 5 year monitoring of the salt marsh is required by the landowner, in cooperation with the shellfish department. A pre-project photo survey is required.
2. A time of year restriction for construction is required due to the alewife fish run in the Little River. No work is permitted between March 1 and May 30 of any calendar year.
3. The Commission also had concerns regarding slow loss of trees adjacent to the home despite the applicants attempt to avoid impact to all trees. As such a 2:1 tree mortality replacement is required for 5 years following construction, with yearly diagnostics by an arborist to check for disorders and take remedial measures to preserve the trees if possible.
4. Supervision by a certified arborist during installation of sonatubes and construction of the home is required. Shifting of sonatubes and supports is at the discretion of the arborist to protect the trees on site.
5. The project as amended and conditions is considered complete, no further structures or additions will be permitted for this project, in perpetuity.
6. 2,200 sq. ft of mitigation planting enhancement on site with native, non-invasive riparian species is required as noted on the plan.
7. All conditions of the engineering department memo of May 8, 2007 become conditions of this order.

MOTION: Mr. Anderson moves to approve with conditions.

SECOND: Mr. Feener

OPPOSED: Mr. Gulla

VOTE: 5-0

147 ESSEX AVENUE

The Agent notes that the extension was approved at the last meeting which would extend to January 2009.

Ms. Jackson notes that another vote may be a good idea with Ms. Ryder in agreement.

MOTION: Mr. Febiger moves to approve the extension to the above date.

SECOND: Mr. Gulla

VOTE: 6-0 all in favor

PUBLIC COMMENT PERIOD: Ms. Jackson announces that this is the time for any of the general public in attendance to speak with the Commission on any issues not related to any of the issues on the agenda this evening. **NO PUBLIC COMMENT.**

154 WHEELER STREET (Map 100, Lot 14)

Tom Evangelista to construct a season gangway, floats and landscape activity.

The Agent notes that the applicant has requested a 30 minute time slot.

William Manuell rep. the applicant states that the OoC was approved by the Commission to construct dwelling with river front restoration approved. The landscaping plan was done. He asks what can be done re: landscaping and trying to minimize hardscape.

He further mentioned bluestone to be on pea stone.

Ms. Jackson mentioned capping the stone wall and asks what that will do to the height.

Mr. Manuell notes that according to photos previously taken it would take it to the original height with maybe a couple of courses of bricks. He asked if the Agent wanted it higher.

Ms. Ryder notes that her recommendations are based on height and the velocity of storm waters. She notes it now being 12 ft. high and with storm waves the ocean will be coming into the house. The seawall is not high enough regarding storm water.

If the wall is higher the storm flow may be diverted impacting the neighbors.

Mr. Manuell notes that they could possibly match the other wall and further noted that they do not want to have varying heights of the wall.

Mr. Gulla notes that in reading the email it notes raising the wall and asks if that would raise the grade. Mr. Manuell states that there is no grade change.

Mr. Gulla recommends scuppers/releases. Mr. Febiger stated that he had no problem with scuppers.

Mr. Socolow asks that scuppers be defined. Mr. Gulla notes it would assist with not creating water behind the wall by having some sort of release mechanism.

Mr. Anderson noted the comments from Shellfish as being satisfied with the restoration.

The Agent notes concern re: the discussion regarding not using stone dust or packed gravel but random stones to be used and list this as a condition.

Mr. Manuell asked if landscaping could be conducted under a Letter Permit.

Ms. Jackson notes that the landscaping seems to be fairly non controversial.

Ms. Ryder notes allowing landscaping through a Letter Permit from the previous OoC.

Ms. Jackson notes that any issues considered would be an amendment to the original order. She notes that this is now the time for PUBLIC COMMENT just on the landscaping.

Mr. Bill Dillon asks if conditions include boulders that were moved and Ms. Ryder notes that being a resolution of an Enforcement Order.

Mr. Gulla notes that the sea wall is part of the landscaping and is up for comment. Ms. Elizabeth Toolin asks if the Commission/Agent are satisfied with the boulders in regards to the Enforcement Order. Ms. Ryder states that the Shellfish Constable and Assistant both feel that they are within reasonable proximity of the original locations. She offers a visit to her office for assistance.

Ms. Jackson notes a 10 day appeal period. Closed to be re-opened.

Ms. Jackson asks for a motion and notes this is for the landscaping and sea wall only.

MOTION: Mr. Anderson moves to approve amendment regarding the above.

SECOND: Mr. Gulla VOTE: 6-0 all in favor

Mr. Manuell notes that in regards to the gangway and seasonal float a revised plan noting a discussion with the Harbormaster, Shellfish, neighbors, the Agent and Jim Kaulkett regarding confusion identifying some rocks on the plan. Boulders that were restored were in the way of the public landing. He notes no rock or boulders were in the pathway at low tide. He further notes the pulling in of the length of the seasonal float as it sits on the rocky intertidal floor. He notes the plan for the Commission regarding the previous house and the existing house.

There was a clarification regarding the height of the standoffs. 18 inches was noted on the float system, to be seasonal and stored upland.

He notes that he thinks the Harbormaster was not concerned with the navigation re: the float. He notes the plan regarding the path to the Commission and abutters for comment.

Mr. Feener asks how far it is to be brought in and Mr. Manuell stated approximately 30 ft.

Mr. Anderson notes that the Commission has nothing in writing from the Harbormaster or Shellfish and recommends a continuation in this matter.

Ms. Ryder notes that DMF comments are needed as well. She further noted that Mr. Manuell did well in summarizing the site visit.

Mr. Gulla notes that he keeps hearing about a sandbar at Wingearsheek and is concerned about the sensitivity of the eelgrass.

Ms. Ryder notes that no eelgrasses are in that area and that others are mistaken.

PUBLIC COMMENT:

Elizabeth Toolin asks the Commission if they have a sense of where the salt marsh is and do we have measurements of the vernal pool and marsh grass areas. She further notes that she would like to be able to get her boat in and out without disturbing the marsh grass.

Ms. Ryder notes that Shellfish is not concerned and in regards to the path she notes to Ms. Toolin that she will be using the same path with Ms. Toolin stating "No we won't".

Ms. Ryder reminds everyone that the salt marsh is not within the scope of the project. She further notes that they would be talking about Chapter 91 re: public access.

Mr. Febiger asks if a demarcation is noted on the plan regarding the public access.

He further stated that he went out to take a look and felt comfortable to walk without going onto the marsh grass.

Ms. Toolin asked if boats would be tied up out there and Ms. Jackson stated that even if that is the case it is beyond the rock.

Ms. Ryder notes that this is not a legal right of way but it has always been what the abutters have used and it has been accepted.

Ms. Jackson notes that the path is not a GCC issue.

Mr. Febiger notes that the physical path being used will continue to be used with Ms. Ryder noting that we cannot force the landowners.

Mr. Bill Dylan notes that the changes have been remarkable. He is concerned with the alignment of the rocks not being what they use to be and states that it looks like some of the rocks are in the way and right in the middle of the walkway.

Ms. Ryder states that he is free to contact the Shellfish Constable regarding the issue of the placement of the rocks.

Mr. Dylan asks if he/others concerned can just move the rocks.

Ms. Jackson states that it cannot be done. In relation to shellfish, if you move the rocks it could then jeopardize the shellfish in the area.

Mr. Gulla notes that this is a very sensitive area and Mr. Dylan or anyone else cannot just go out and move boulders as this needs to be dealt with properly.

Pat Bevalaqua wonders how big the landing is and how it will sit in regards to low tide.

Ms. Jackson stated that the landing is not affected by it.

Mr. Gulla notes the fact that there will be standoffs.

Ms. Jackson notes that the standoffs will not impact shellfish in the area.

Ms. Toolin asked if there could be a condition regarding the tying up of boats to the float. She foresees harm to the underlying seabed at low tide with this resting on it.

Ms. Ryder notes that anything north of the last float would be in a shellfish area.

Mr. Manuell noted a 10 ft. boat.

Ms. Jackson states that what the GCC is waiting for are comments regarding this plan from the Harbormaster, Shellfish and DMF.

She asks for a motion for continuance.

MOTION: Mr. Anderson moves to continue the matter to 06/20/07 at 9:00 PM

SECOND: Mr. Febiger VOTE: 6-0 all in favor.

ATLANTIC STREET (Wingaersheek Beach and Good Harbor Beach)

City of Gloucester to conduct barrier beach management.

Mark Cole discusses the plan noting the order by DEP on both beaches.

Ms. Jackson inquired to cleaning of both beaches and Mr. Cole stated that the beaches would be worked on daily alternating the beaches. The machine that performs this task is no operational at this time.

Ms. Ryder notes the meeting of the 29th stating the DEP and CZM had several comments.

Mr. Cole stated that all have been revised. Ms. Ryder notes that we agreed to the changes. Mr. Anderson noted the restriction to dogs.

Mr. Socolow had no comments.

Mr. Feener noted Section 4 in relation to the dates for dogs being allowed on the beaches.

Ms. Jackson stated that the dates had been changed and dogs are allowed from September 16th – April 30th.

PUBLIC COMMENT: RE: Barrier Beach Management NO PUBLIC COMMENT.

MOTION: Mr. Anderson moves to approve

Mr. Gulla asked if there were any conditions. Ms. Ryder notes the modification regarding to ***** which Mr. Cole has already done.

Mr. Febiger asked if there were any other conditions.

Ms. Ryder notes that any other conditions were basically wording changes.

Mr. Gulla inquired as to controls at Wingaersheek Beach regarding boats pulling on to the beach.

Mr. Cole notes this as being outside the jurisdiction.

SECOND: Mr. Febiger VOTE: 6-0 all in favor

Management Plan accepted at Good Harbor Beach and Wingaersheek Beach.

This is to be signed at the next meeting 6-20-07 at 7:00 PM.

5 CEDARWOOD ROAD (Map 242, Lot 34) **NEW**

Tom Canillas requests the Conservation Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance for fill in a BVX to a stream.

Michael Faherty rep. the applicant, Site Plan submitted and noted.

He states that the extent of the fill is yard work and lawn. He notes a small amount of fill which is now lawn with no impact to an intermittent stream and no degradation to the stream bed or flow.

Ms. Jackson inquires as to when it was filled and Ms. Ryder states in 2002 and exceeded what was permitted.

Ms. Ryder notes fill in the buffer zone.

Mr. Febiger inquires as to this being a 7 ft. wide stream and Ms. Ryder notes it as being a culvert between 35 and 33 with lot 34 is culverted.

Mr. Febiger noted where the lawn ends and inquired as to a ditch above the culvert.

Ms. Ryder noted yes that is the case and noted a proposal from the Eng. Dept. re: flooding issues.

Mr. Anderson noted the buffer zone and Ms. Ryder stated that this is in an impacted resource area. When the fill was originally put in, it was in a flood plain.

The occurring mid-filing of this after the fact filing. The impact is to be lessened when the project is completed.

Ms. Jackson recommends a review as if it has not been done, as if it is a new project.

Mr. Anderson noted that it seems the conditions as such that the land owner did not bring them about.

Ms. Ryder notes that it is from the land owner.

Mr. Faherty took exception to that fact and stated that the City made her yard fill with water. This was a defensive action on the part of the land owner from her backyard being flooded. He then noted the contours on the plan and notes it was someone who leveled there yard.

Further noted was that the whole subdivision is on a stream, a Wetland and a Watershed area.

Ms. Jackson notes it as being a problematic area.

PUBLIC COMMENT: none

Mr. Anderson commented in regards to mitigation with a natural buffer along the edge of the lawn to include all filled property.

Mr. Gulla states he is ok with that and Mr. Socolow had no comments.

Mr. Feener asked that the area of fill be further defined.

Ms. Ryder notes that the limit of grading is noted on the plan.

Mr. Anderson suggests an amended motion for filled areas that exceed *****.

Ms. Ryder noting the lawn states that the idea is to be have a vegetative buffer all along it.

Mr. Feener asked if the City is changing this why a buffer zone in that area.
Ms. Jackson notes that at this time this is being treated as a new application.
Ms. Ryder notes that the City obtained an easement for maintenance of the culvert.
Ms. Jackson asked if the Commission needed to continue this matter pending further information.
Mr. Gulla noted that where ever they determine to easement to be, mitigation from there.
Mr. Faherty asked what kind of vegetation. Ms. Ryder notes native non invasive vegetation.
Ms. Jackson notes that the planting plan is to be approved by the Agent regarding the type of plants.
Mr. Faherty stated that he would like to see what the Eng. Dept comes up with and maybe another meeting to find out and have a continuance at this point.
Ms. Jackson notifies Mr. Faherty that he should meet with the Agent regarding the planting plan approval, having an approval with conditions pending the final decisions from Engineering.
Mr. Anderson withdraws the original Motion and MOTIONS: to continue the matter to 06/20/07 at 7:00 PM.
SECOND: Mr. Febiger VOTE: 6-0 all in favor

8:55 PM 5 minute break.

9:00 PM The GCC meeting resumes.

25 NILES POND ROAD (Map 136, Lot 51) **NEW**

Allen Crocker requests the Conservation Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance to conduct soil test and upgrade septic system.

Mr. William Manuell rep. the applicant states that the house has a failing septic system. He states that the property has environmental restraints.

Request for Determination to conduct soil testing and show where the system will be located. The Wetland area has been flagged with the Wetland boundary going around the house. He further states that they will address the pool that was constructed w/o a permit. The septic system will be a raised system and in construction will essentially disturb everything that isn't Wetland. A siltation barrier is proposed.

There will be a submission to the Board of Health. There will be 2 sets of site visits with the Agent with one at soil testing and one at the commencement of the installation of the system.

Mr. Gulla asked if they were going to pull in the leeching field and Mr. Manuell stated yes.

Ms. Ryder noted the failing of Title 5 and being in the Wetland. She noted her concern regarding the grade water levels being very high and the refusal to sign off on the Perc. Tests.

The Agent further states that she is confident that Mr. Manuell will come back with a good plan.

Mr. Manuell noted the grade water being at 0 (zero) at the surface. He further noted retaining walls and a membrane with a mound.

He further noted that the confirmation of the delineation cannot be determined w/o test pits being done.

Mr. Anderson asked if this matter could be continued pending the test results.

Mr. Manuell stated that they could sign off on the perc. Test and continue the matter for 2 months.

Ms. Ryder notes that the pool mitigation is to be in at the time this matter is continued.

Mr. Manuell discussed the type of pool it is and that the liner could be sliced, tear out the sides and collapse them then back fill with earth and plantings.

Ms. Ryder states that she thinks that the property owners filled in a Wetland. If that is not the case then fine, but if it is the case then it needs to be a Wetland again.

MOTION: Mr. Anderson moves to continue the matter for approval of soils tests and the pool is to be addressed with a continuation date of 08/01/07 at 7:30 PM.

SECOND: Mr. Febiger VOTE: 6-0 all in favor.

Mr. Gulla in discussion notes trees being on the plan with Mr. Manuell asking about having a discussion after the design.

Mr. Feener asked about a landscape plan being available for the next meeting with

Mr. Manuell stating a septic design and addendum re: WL mitigation planting.

Ms. Ryder notes a Letter Permit in this RDA for soils tests.

11A CHESTER SQUARE (Map 122, Lot 20) **NEW**

Jennifer Brown to maintain an existing season gangway and float on Lobster Cove.

Mr. William Manuell rep. the applicant presents the plan to the Commission.

He notes this as an interim Chapter 91 License re: maintaining the existing wall and fill.

He states that this should have been a Chapter 91 License and this needs to go for a 91

License with approval from the GCC regarding the float, (existing float 12X12 and gangway). He notes and OoC to retroactively allow the wall and float. He suggested 18 inch standoffs for the project.

Mr. Febiger noted that the float had been there for decades with Mr. Manuell in agreement.

The Agent notes a site visit and nothing new is being requested.

No DEP comments as of yet.

Mr. Anderson notes that they are starting to get minimal information on submitted plans in general.

Mr. Socolow and Mr. Febiger had further comments.

MOTION: Mr. Febiger moves to continue the matter to 06/20/07 7:00 PM

SECOND: Mr. Socolow VOTE: 6-0 all in favor

12 TRENEL COVE ROAD (Map 89, Lot 32) **NEW**

Wardwell Ratcliff requests the Conservation Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance for a one story addition with a foundation.

The Agent notes this being an After the Fact filing with the addition being put on.

She notes a stone wall and heavy vegetation with mitigation being done.

Ms. Jackson inquired as to the area of the addition with Mr. Anderson stating 7 ½ x 12 sq. ft.

MOTION: Mr. Anderson moves to accept, lack of impact negative determination

SECOND: Mr. Gulla

VOTE: 6-0 all in favor

458 WASHINGTON STREET (Map 109, Lot 1) **NEW**

The applicant has requested a continuation to 06/20/07.

MOTION: Mr. Gulla moves to continue the matter to the above date and time.

SECOND: Mr. Feener

VOTE: 6/20/07 8:30 PM

LITTLE RIVER - 28 KENT ROAD (Map 220, Lot 6) **NEW**

Paul LeBlanc to construct a pier, seasonal gangway and float on Mill River.

The applicant has requested a continuation to 06/20/07.

MOTION: Mr. Febiger moves to continue the matter to the above date and time.

SECOND: Mr. Gulla

VOTE: 6-0 all in favor

REQUESTS FOR EXTENSION PERMITS

29 WINTHROP AVENUE

Mark Resnick 57 Westgate Road Newton, MA. Before the Commission regarding this matter. He addresses the Commission stating that due to the real estate market he would like an extension as the current permit expires in June 2007.

The Agent notes the date as June 19, 2007. A 30 month extension was asked but it is only 12 months at a time.

Ms. Jackson notes that you have come back every time.

The Agent notes that the delineation and site have not been done.

Ms. Jackson notes that usually the GCC requires a re – delineation after 3 years.

The Agent notes this being within 200 ft. of river front and the only thing she would change would be 2 to 1 mitigation.

Mr. Gulla asked if a planting plan could be requested. Ms. Jackson explains 2 to 1 mitigation.

Mr. Feener states that he is uncomfortable granting an extension permit based on monies being made.

The Agent notes the regulations regarding reasons for extensions.

Mr. Gulla explains to the applicant the reasons for discussion re: regulations for extensions.

Ms. Ryder reads the regulations regarding extensions and reasons for granting and extension, further noting that it is discretionary.

Mr. Anderson states that he doesn't feel that the GCC should impose economic hardship on the land owner.

Ms. Ryder notes the coastal bank on the property is not shown and by extending this you are accepting the delineation.

Mr. Gulla feels a new delineation should be submitted.

The GCC discussed the conditions as follows:

Redelineation prior to the extension to include the top of coastal bank, pre construction site visit and a mitigation plan.

MOTION: Mr. Gulla moves to extend the permit with conditions.

SECOND: Mr. Socolow

VOTE: 6-0 all in favor and signed by all members

9:45 PM Mr. Socolow departs the meeting.

19 STANWOOD POINT – ATF LP for dock and pier footing repair due to storm damage Ms. Ryder notes the complaint as work being done on the river without a permit. A letter was sent to the land owner. Dave Sargent went out to the property and did not see any violations. The applicant explained the current piers and the switching dock. There is a top coat of cement to repair the crumbling pier.

The Agent notes 2 letters submitted by abutters noting clam **** in the area for a number of years. She further notes a Letter Permit and after the fact.

Mr. Resnick states that they have not been there a number of years and that the original old home was owned by his great aunt. He described her pier, dock and gangway and notes that there was never any other concrete pier. He states that his father noticed work being done and there is a disputed way in litigation at present.

He states that the owner picked up boulders, grading and mulch all within the top of the high water mark. He states that the pad adjacent to his property is new not old.

Mr. Resnick views photos presented to him and states that the photos are not correct.

Ms. Ryder notes this being the same float/different footing.

Ms. Jackson notifies Mr. Resnick if he has any photographs he should submit them to the Agent for the Commission to review. This issue is to be tabled and notes to Mr. Resnick that if he can provide evidence to the Commission to the contrary that the current pad was not previously there.

465 R WESTERN AVENUE (Map 200, Lot 8) **NEW**

Ms. Ryder reviews information with the Commission noting a meeting with Suzanne Egan, the landowner and his attorney. She states that Mr. Giacalone never had the right to do the work. The spring pipe has been reconnected and the stabilization of the bank is coming back nicely. Ms. Ryder notes a possible extension for a year with monitoring. This is under an Enforcement Order with Mr. Anderson stating that the order should not be lifted.

Ms. Jackson noted that periodic checking should be in place as well.

Mr. Gulla states that we don't want them to come back stating its all grown in and looks great. Ms. Ryder notes that the original mitigation requirements remain in place.

Further discussed and decided upon as follows: 1 year extension for resolution by quarterly site visits and reports regarding work done, NoI and mitigation needed. One year extension only.

129 DENNISON STREET (Map 115, Lot 39) **NEW**

The Agent notes a family dispute in relation to this issue.

It was requested that this be tabled to 07/18/07 pending a site visit and filings, if needed.

LETTER PERMITS

Coffins Beach – The Agent reviews the Emergency Certificate request from the Coffin Beach Assoc. for repair to the walkway from storm damage. Dune fencing is needed and letting the sand come back gradually. This is an emergency which is the reason for the

ER Certificate. Approval of boardwalk and snow fencing, no fill or relocation of sand w/o a NoI.

26-30 Marsh Street – The Agent reviews the request with the Commission and notes elevation between 10 and 12 has to remain pervious. The Commission reviews the plan and discusses storm water, a test site for an alternative LID storm water treatment system and modifications for a constructed Wetland.

Ms. Ryder states that the project can be done w/o creating the Wetland. The Commission has approved the structure footprint, not the number of units.

MOTION: Mr. Gulla moves to approve the Letter Permit in accordance with the plan

SECOND: Mr. Feener VOTE: 5-0 all in favor

(Oversight of the project by Engineering is required)

Village at West Gloucester - Mr. L. Linquata, property owner.

Michelle Harrison asking for written clarification asking the GCC, according to regulations, to acknowledge this under the State and Local WL. Ordinance

Ms. Ryder reviews the request with the Commission noting sheds on the property and this being in violation of Chapter 91 and the OoC. He is putting a structure on a structure. It should be noted that it is in violation of the OoC. He did the construction then asked for permission.

Plum Cove Ball field – Ms. Ryder reviews the request with the Commission noting that the City dug a drainage trench, this being a public hazard. They want to install a perforated pipe in constructed storm water trenches for the safety of teams using the field, not just an open trench. The Agent will issue a Letter Permit.

Saline infiltration and inflow removal request w/in roadways. The Agent will issue a Letter Permit.

Langsford Pond – The agent reviews the request with the Commission noting the request to remove logs in a secondary stream, downstream re: a dam.

This is a request for a Letter Permit or ER Certificate for the beaver dam removal.

Mr. Febiger notes that when he sees secondary dam, that is in an indication that beavers built the dam and that is what beavers do.

No Letter Permit/No ER Certificate to be issued.

41 Folly Point Cove – The Agent notes this is a Letter Permit request for an amendment to the filing in regards to permission to blast. The Agent notes the reason the applicant wants to blast in the area. She notes a stipulation that everyone within 100ft buffer zone required to have wells tested. It should be noted that this is a site by site issue and will be dealt with accordingly. Letter Permit to issue.

6 Waterside Lane – SoC – The Agent notes that DEP ruled in our favor regarding the denial.

MACC – call for action, Public Lands Preservation Act, request for support.

The Agent has documents to be signed.

Ms. Jackson stated that it makes it more difficult to bring Conservation land back to a building site.

Mr. Gulla inquired as to whether or not this is legally binding and Ms. Ryder stated that it would be an endorsement and read what is to be signed to the Commission members.

MOTION: Mr. Gulla moves to sign the document

SECOND: Mr. Anderson ABSTENTION: Mr. Febiger

Castlevew Homeowners – The Agent reviews the request with the Commission.

This is in regards to amending water sample requirements through DEP.

Dave Sargent has comments regarding this issue.

Ms. Ryder notes that management was non existent but now they are, through testing.

The Commission had a discussion regarding the resignation letter from Chairman Max Schenk.

Varian Update – The Agent notes that Mr. Steven Golden keeps appealing the DEP decision. Mr. Golden has opposed the motion to dismiss.

Mass Mudders – Watershed area – The Agent notes that illegal vehicles and other are up there and the police have seized a couple of vehicles. Individuals are moving boulders. Re: Letter Permit for Mass Mudders for 2 additional boulders to be placed in the stream to direct it that way (stream crossing).

CoC request – 7 Aileen Terrace – The Agent notes that the work was never done. No issuance – signed by all present.

2 Mussell Point (24 Hesperus Ave.) – as built submitted w/request for CoC. Signed by all members present.

There was a request for a motion to adjourn.

MOTION: Mr. Anderson moves to adjourn the GCC meeting for this evening.

SECOND: Mr. Feener VOTE: 5-0 all in favor

Meeting is adjourned.

Respectfully Submitted,

Carol A. Gray
Recording Clerk

DRAFT